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Harris County
HCPHES
Public Health & Environmental Services

Umair A. Shah, M.D., M.P.H.
Executive Director

Tele: 713 439-6000
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December 30, 2013

The Honorable Ed Emmett
and Commissioners Court
Harris County Administration Bldg.
1001 Preston, 9th Floor
Houston, Texas 77002

Vote of the Court:

	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Morman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radaek	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dear Court Members:

Enclosed for your consideration and approval is: (1) a copy of the Notice of a Public Hearing to be held January 7, 2014 at 10:00 a.m. on the Proposed Adoption of an Order Amending the Rules for the Regulation of Food Establishments in the Unincorporated Areas of Harris County, Texas, together with a receipt demonstrating the notice has been published in a newspaper of general circulation in Harris County at least two weeks before the hearing on three consecutive days in 10 point bold-faced type, as required by Texas Health and Safety Code Section 437.005; and (2) the proposed Order Amending the Rules for the Regulation of Food Establishments in the Unincorporated Areas of Harris County, Texas.

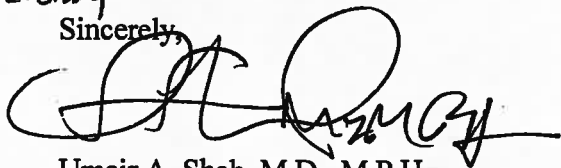
The Rules proposed for adoption will supersede and replace all previous Rules for Food Establishments for Harris County and any amendments thereto, and authorize (1) Additional Food Establishment Permit Fees as approved by Commissioners' Court on March 27, 2012; (2) specific requirements for mobile food units including someone providing a driver's license, following construction and inspection rules, and exempt property and restroom permission if a mobile food unit is parked less than two hours; (3) specific identification required to obtain a permit; and (4) farmers market vendors permits only valid at a farmers' market that is 51% or more farmers' market vendors.

The enclosed documents have been reviewed and approved by the County Attorney's Office.

A public hearing date of January 7, 2014 is respectfully requested, to be listed on the "Public Hearings" section of the Court's Agenda.

Law Library

Sincerely,



Lance-copy, Umair A. Shah, M.D., M.P.H.
Executive Director

All JP's - copy

cc: L. Becker, Deputy Director *LB*

Aud. copy, T. Ricciardello, ACFO
M. Schaffer, MBA

Health - copy

Const Pct 1-8 - copy

Sheriff - copy

LAH3 - copy

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JAN 07 2014

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Recorded Vol _____ Page _____

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THE STATE OF TEXAS
COUNTY OF HARRIS

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§

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the ____ day of JAN 07 2014, 2014, with the following members present, to-wit:

Ed Emmett
El Franco Lee
Jack Morman
~~Steve Radack~~
R. Jack Cagle

County Judge
Commissioner, Precinct No. 1
Commissioner, Precinct No. 2
~~Commissioner, Precinct No. 3~~
Commissioner, Precinct No. 4

and the following members absent, to-wit:

Comm. Radack,
constituting a quorum, when among other business, the following was transacted:

ORDER ADOPTING AMENDMENTS TO RULES FOR THE REGULATION OF
FOOD ESTABLISHMENTS IN THE UNINCORPORATED AREA OF HARRIS
COUNTY, TEXAS

Commissioner Lee introduced an Order and made a motion that the same be adopted. Commissioner Cagle seconded the motion for adoption of the Order. The motion, carrying with it the adoption of the Order, prevailed by the following vote:

	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Morman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the Order had been duly and lawfully adopted. The Order thus adopted follows:

RECITALS:

Harris County is authorized to enforce state law and rules adopted under state law concerning food service establishments, retail food stores, mobile food units, and roadside food vendors pursuant to Health and Safety Code Section 437.002(a), as

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amended. TEX. HEALTH & SAFETY CODE ANN. §§ 437.001 *et seq.*, as amended. 25 TEX. ADM. CODE §§ 229.161 – 229.171, 229.173 – 229.175, as amended.

To enforce state law and rules adopted under state law, Harris County by order may require food service establishments, retail food stores, mobile food units, and roadside food and farmers' market vendors in unincorporated areas of the county, including areas in the extraterritorial jurisdiction of a municipality, to obtain a permit from the county. TEX. HEALTH & SAFETY CODE ANN. §437.003, as amended. 12 TEX. ADM. CODE § 229.373, as amended.

Pursuant to Texas Administration Code Title 25, Chapter 229, Section 169(a) (1), Harris County may impose additional requirements to protect against health hazards related to the conduct of food establishments as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify certain requirements relating to physical facilities. 25 TEX. ADM. CODE § 229.169(a) (1), as amended.

Notice was given of a public hearing for two weeks by public notice in 10 point bold-faced type published on three consecutive days in a newspaper of general circulation in Harris County, and a public hearing was conducted on January 7, 2014, to consider whether amendments to the County's current RULES FOR THE REGULATION OF FOOD ESTABLISHMENTS IN THE UNINCORPORATED AREA OF HARRIS COUNTY, TEXAS should be adopted.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

Section 1: The recitals set forth in this Order are true and correct.

Section 2: Amendments to the RULES FOR THE REGULATION OF FOOD ESTABLISHMENTS IN THE UNINCORPORATED AREA OF HARRIS COUNTY, TEXAS, as reflected in the records and proceedings of this Court are hereby adopted.

Section 3: The effective date for such amendments to the RULES FOR THE REGULATION OF FOOD ESTABLISHMENTS IN THE UNINCORPORATED AREA OF HARRIS COUNTY, TEXAS is _____.

Section 4: All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.

RULES FOR REGULATION OF FOOD ESTABLISHMENTS IN THE UNINCORPORATED AREAS OF HARRIS COUNTY, TEXAS

Preface

Harris County, Texas, (the "County" or "Harris County"), a body corporate and public under the laws of the State of Texas (the "State" or "Texas") is authorized to enforce State law and rules adopted under State law concerning food service establishments, retail food stores, temporary food establishments, farmers' markets, mobile food units, and roadside food vendors pursuant to Health and Safety Code Section 437.002(a), as amended. TEX. HEALTH & SAFETY CODE ANN. §§ 437.001 *et seq.*, as amended. 25 TEX. ADM. CODE §§ 229.161 – 229.171, 229.173 – 229.175, as amended.

To enforce State law and rules adopted under State law, Harris County by order may require food service establishments, retail food stores, temporary food service establishments, farmers' markets, mobile food units and roadside food vendors in unincorporated areas of the County, including areas in the extraterritorial jurisdiction of a municipality, to obtain a permit from the County. TEX. HEALTH & SAFETY CODE ANN. §437.003, as amended. 25 TEX. ADM. CODE § 229.373, as amended.

Pursuant to Texas Administration Code Title 25, Chapter 229, Section 169(a)(1), Harris County may impose additional requirements to protect against health hazards related to the conduct of food establishments as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify certain requirements relating to physical facilities. 25 TEX. ADM. CODE § 229.169(a)(1), as amended.

I. PURPOSE

The purpose of these Rules is to safeguard public health and better assure that consumers obtain food that is safe, unadulterated, and honestly presented by establishing uniform monitoring for food establishments in the unincorporated areas of Harris County, including areas in the extraterritorial jurisdiction of a municipality.

II. DEFINITIONS

Words and phrases used in these Rules shall have the meanings provided in Health and Safety Code, Chapter 437 and Texas Administrative Code Title 25, Chapter 229. TEX. HEALTH & SAFETY CODE ANN. §§ 437.001 *et seq.*, as amended. 25 TEX. ADM. CODE §§ 229.161 – 229.171, and 229.173 – 229.175, as amended. The term "Public Health Services" ("PHS") refers to the County's local health authority, Harris County Public Health and Environmental Services.

III. PERMITS

- A. No person shall operate a food establishment in unincorporated areas of the County, including areas in the extraterritorial jurisdiction of a municipality, without having a current and valid permit issued by PHS. Permits are not transferable from one

person to another or from one location to another location, except as permitted by these Rules. A valid permit must be posted in or on every food establishment in a conspicuous place. Only a person who complies with the requirements of State law and regulations and these Rules shall be entitled to a permit.

- B. A food establishment operated solely by a nonprofit organization is exempt from the permitting requirement of these Rules, with the exception of educational institutions/schools, but is not exempt from compliance with State law and regulations. An organization claiming exemption from these Rules as a nonprofit organization shall provide PHS with such documentation as PHS deems necessary to prove the establishment's current tax-exempt status as a nonprofit organization.
- C. An establishment is not a food establishment for the purposes of these Rules if it is excluded from the definition of food establishment under Texas Administrative Code Title 25, Chapter 229, Section 162(40), as amended. 25 TEX. ADM. CODE § 229.162(40), as amended.

IV. ISSUANCE OF PERMIT

- A. Any person desiring to operate a food establishment must make a written application for a permit on forms provided by PHS. The application must contain the name, address of each applicant, the location and type of the proposed food establishment, the applicable fee, the signature of applicant(s), and be accompanied by the applicant's driver's license or other photographic identification issued by the State of Texas or a United States agency or department. An incomplete application will not be processed, even if initially accepted. Failure to provide all required information or falsifying information required may result in denial or revocation of the permit. Payment for a permit by a check that is returned for insufficient funds may result in revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.
- B. Prior to the approval of an initial permit or the renewal of an existing permit, PHS shall inspect the proposed food establishment to determine compliance with State law and regulations.

Certain conditions and/or requirements may be placed on or removed from any permit issued by PHS. Such conditions and/or requirements will be determined by a permit holder's risk assessment and/or whether the establishment has been issued a Conditional Certificate of Compliance by the Harris County Fire Marshal's Office.

- C. A person desiring to operate a temporary food establishment shall make application by mail four (4) weeks in advance of the event or such shorter time frame as specified in PHS procedures or in person at least two (2) full business days prior to the event. Fees for applications made in person must be paid in accordance with PHS policy. If the temporary food establishment fails to make application within the

specified period, PHS may consider later applications upon payment of the fee established for untimely applications.

- D. Whenever a food establishment is constructed or extensively remodeled (at least 20 percent of the area of the food establishment is to be remodeled) and whenever an existing structure is converted to use as a food establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to PHS for review and written approval before work is begun. The plans and specifications shall be to scale and shall indicate the proposed layout, equipment arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. Before PHS reviews the plans and specifications, the applicant shall pay a new facility inspection fee. PHS shall approve the plans only if the plans and specifications meet the requirements of State law and regulations and any additional requirements imposed by Harris County. Such review and approval of plans and specifications shall be made in coordination with the review and approval of any related matters submitted to the Harris County Engineer. The approved plans and specifications must be substantially complied with when performing construction, remodeling, or conversion. No permit shall be issued until PHS determines by inspection that all construction, remodeling, or conversion has been performed in accordance with the approved plans and specifications.
- E. Whenever a food establishment is constructed or extensively remodeled, or whenever an existing establishment is converted to a food establishment, at least one pre-opening inspection shall be made. The purpose of the pre-opening inspection(s) is to ensure compliance with the approved submitted plans, State law, and regulations, and rules adopted by Harris County.
- F. There shall be an annual renewal of a permit issued under these Rules. The renewal process shall be initiated by the submission of a new application and shall be conducted in the same manner as an original application process.
- G. Any false statement made in an application is a basis for denial or revocation of the permit.
- H. Prior to the issuance of a permit, the applicant or permit holder must pay all applicable fees required by law or by PHS policy or both.
- I. PHS shall issue a permit to the applicant only if its inspection reveals that the food establishment complies with requirements of these Rules and State law and regulations.
- J. A permit will not be issued unless a trained food manager is on duty during the operating hours of the food establishment. A food service establishment that handles only prepackaged food and does not prepare or package food is not required to have a trained food manager.

- K. An applicant who has had their permit denied or revoked may be prohibited from reapplying for a period of up to six (6) months after the denial or revocation, as determined by final order of the Executive Director, pursuant to these rules.
- L. All food establishments shall be operated in accordance with the requirements specified in 25 TEX. ADM. CODE §§ 229.161 - 229.171 and §§ 229.173 - 229.175(relating to Texas Food Establishments).

V. PROCEDURES FOR DENYING, SUSPENDING, OR REVOKING A PERMIT

- A. *Permit Hearings:* PHS may deny, suspend, or revoke any permit to operate a food establishment if the holder of the permit does not comply with State law and regulations and these rules or if the operation of the establishment otherwise constitutes a substantial hazard to public health. Denying, suspending, or revoking a permit for a food establishment is usually initiated as a result of a series of inspections. A permit may be denied, suspended, or revoked only after notice and an opportunity for a hearing, as described in this Section, have been given.
- B. *Service of Notice:* A notice of the right to request a hearing, provided for in these rules, is properly served when it is hand delivered to the permit holder or person in charge, or when it is sent by registered or certified mail, return-receipt requested, to the last known address of the holder of the permit. A copy of the notice must be filed in the records of PHS.
- C. *Right to Request a Hearing:* The permit holder may request a hearing to appeal the findings that conditions are not acceptable for continuing operation as a food establishment. Upon the receipt of the notice, the permit holder has three (3) business days to request such a hearing. This request must be in writing and may be delivered or faxed to the offices of Environmental Public Health (EPH), PHS; sent by registered or certified mail, return receipt requested; or delivered to EPH by other documentable means. Upon request for the hearing by the permit holder, a hearing will be scheduled at a date and time specified by EPH. The hearing must be held within ten (10) business days of the receipt of the permit holder's request for a hearing. Written notification of the hearing date and time will be delivered to the permit holder, unless the permit holder fails to request a hearing. Written notification of the hearing date and time will be delivered to the permit holder by regular mail, facsimile, or electronic mail. If the permit holder fails to request a hearing or fails to appear at a scheduled hearing, then the permit will be denied, suspended, or revoked.
- D. *Hearing Procedures:* A Hearing Examiner will preside over the proceedings, including the administration of oath to all parties giving testimony. Representatives of PHS, the permit holder and/or representatives of the permit holder including attorneys, and the Hearing Examiner may be present at the hearing. The proceedings of the hearing will be electronically recorded.

At the hearing, representatives of PHS may review each inspection report leading to the denial, suspension, or revocation of the permit demonstrating the food establishment's lack of compliance with State law, rules adopted under State law, or rules adopted by the County. The permit holder and/or representatives of the permit holder may present facts or circumstances as to why the permit should not be denied, suspended, or revoked. Both parties may call witnesses to testify and may cross-examine each other's witnesses.

- E. Findings of the Hearing: A written summary of the hearing, the Hearing Examiner's recommendation to the Executive Director of PHS stating measures to be taken, and a letter to be addressed and delivered to the permit holder detailing the Executive Director's orders for the establishment will be prepared.

Based upon the findings and recommended orders of the Hearing Examiner, the Executive Director of PHS shall make a final finding and shall sustain, modify, or rescind any notice or order considered in the hearing. Upon the Executive Director's approval and signature, the permit holder will receive a copy of the letter and a copy of the hearing proceedings/findings. A signed copy of the letter that is obtained by PHS will be placed along with the hearing proceedings/findings in the establishment's permanent file.

If the Executive Director orders a formal permit denial or suspends or revokes the permit, the establishment must cease all operations related to the requirement of a food permit. If the food establishment continues to operate during the permit denial, suspension, or revocation period, PHS will seek further enforcement action through the use of citations and/or referral to the County Attorney's Office for civil penalties or injunctive relief.

- F. (c) Reinstatement. A former permit holder may apply for reinstatement of a suspended permit by demonstrating that corrections and controls have been implemented to prevent recurrence of violative conditions. The Executive Director may reinstate the permit after PHS has determined that the food establishment no longer poses a risk to public health and safety. The Executive Director may also require employees of a food establishment to successfully complete a department accredited training course on food safety principles prior to the reinstatement of the permit. All conditions specified with the Executive Director's orders must be met before the permit application is issued or the permit suspension is removed and the food establishment is allowed to resume operations. If the establishment does not meet the requirements specified in the Executive Director's orders, the permit denial or suspension will remain in effect until a re-inspection reveals full compliance.

After a revocation of a permit has become final, the holder of the revoked permit may, after any time period in which the holder is otherwise prohibited from reapplying, make written application for a new permit, and the food establishment

may be required to submit plans and be subject to a pre-opening inspection.

VI. PROCEDURE TO APPEAL CONDITIONS AND/OR REQUIREMENTS PLACED IN A PERMIT

- A. *Right to Request a Hearing:* A permit holder whose permit has conditions and/or requirements may request a hearing to appeal that determination. Upon the receipt of the permit application, a permit holder has five (5) business days to request such a hearing. This request must be in writing and may be delivered or faxed to the offices of EPH, PHS: sent by registered or certified mail, return receipt requested; or delivered to PHS by other documentable means. Upon request for the hearing by the permit holder, a hearing will be scheduled at a date and time specified by PHS. The hearing must be held within ten (10) business days of the receipt of the permit holder's request for a hearing. Written notification of the hearing date and time will be delivered to the permit holder by regular mail, facsimile, or electronic mail. If the permit holder fails appear for the hearing, the conditions and/or requirements will stand.
- B. *Hearing Procedures:* A hearing examiner will preside over the proceedings, including the administration of oath to all parties giving testimony. Representatives of PHS, the permit holder and/or representatives of the permit holder including attorneys, and the Hearing Examiner may be present at the hearing. The proceedings of the hearing will be electronically recorded.

At the hearing, representatives of PHS may review each inspection report and risk assessment that determined the conditions and/or requirements placed on the permit. The permit holder and/or representatives of the permit holder may present facts or circumstances as to why the permit should not have conditions and/or requirements placed upon it. Both parties may call witnesses to testify and may cross-examine each other's witnesses.

- C. *Findings of the Hearing:* A written summary of the hearing, the Hearing Examiner's recommendation to the Executive Director of PHS, and a letter to be addressed and delivered to the permit holder detailing the Executive Director's decision regarding conditions and/or requirements will be prepared. The Executive Director of PHS shall make a final finding and shall sustain, modify, or rescind any conditions and/or requirements considered in the hearing. After receiving the Executive Director's approval and signature, one copy will be sent to the permit holder and one copy will remain on file with PHS.

VII. CRIMINAL PENALTY

- A. A person commits an offense if the person operates a food service establishment, retail food store, temporary food establishment, farmers' market, mobile food unit, or roadside food vendor without a permit required by Harris County. TEX. HEALTH & SAFETY CODE ANN. § 437.016, as amended.

- B. An offense under this Section is a Class C Misdemeanor.
- C. Each day on which a violation occurs constitutes a separate offense.

VIII. INJUNCTION

The County Attorney may sue in district court to enjoin a food establishment, retail food store, temporary food establishment, farmers' market, mobile food unit, or roadside food vendor from operating without a permit, if one is required. TEX. HEALTH & SAFETY CODE ANN. § 437.015, as amended.

IX. ADDITIONAL REQUIREMENTS FOR MOBILE FOOD UNITS ESTABLISHMENTS.

25 TEX. ADM. CODE § 229.169

- A. To obtain a food establishment permit and medallion, the owner of the mobile food unit must be present during the permitting inspection process and must be in possession of a current/valid Texas Driver's License, or Texas Department of Public Safety identification certificate, and the unit's current vehicle registration receipt.

If the owner does not have a Texas Driver's License or a Texas Department of Public Safety identification certificate the following documents may be accepted:

- (1) Notarized contract between unit owner and individual operating the unit stating obligations of both parties, i.e. for unit owner to pay/compensate the operator and the operator's responsibility to drive, propel or otherwise take unit to the commissary daily; AND
 - (2) Mobile food unit operator's Texas Driver's License; AND
 - (3) Unit owner's photograph identification issued by the State of Texas or an agency or department of the United States showing current residence address. Contracts that do not state the obligations of both parties will not be accepted.
- B. A mobile food unit must follow these guidelines to obtain a food establishment permit and medallion:
 - (1) The mobile food unit must have generator to power equipment on the unit to demonstrate hot (>100°F) and cold running water, and a properly functioning vent hood, if applicable, must be provided.
 - (2) Motorized/self-propelled units shall be brought in for inspection under their own power and will not be inspected or permitted if towed to the permitting inspection location by a commercial tow vehicle or any other tow vehicle, unless proof is provided that the Texas Department of Motor Vehicles does not consider the vehicle to be motorized or self-propelled.

- (3) Trailers and pushcarts must be transported to the permit inspection location by the same vehicle that will take the unit to the commissary daily. Trailers or pushcarts transported to inspection site by a commercial tow vehicle will not be inspected or permitted.
- C. All mobile food units, including pushcarts and roadside food vendors, shall be readily identifiable by business name, printed in bold black letters not less than six (6) inches in height, not less than one and a half (1½) inches in width, permanently affixed, and prominently displayed upon at least two (2) sides of the units.
- D. A pushcart unit shall not exceed four (4) feet in width, eight (8) feet in length, and eight (8) feet in height including a unit's shade umbrella. In the event of an emergency situation, the unit shall be easily movable, controllable, and maneuverable by one (1) person when the unit is fully loaded. The bottom of the unit shall be at least one (1) foot from the ground. This unit shall not be motorized.
- E. All mobile food establishments must have notarized, written permission from the property owner to operate on the private property. The notarized, written permission must be in the unit and in plain view of the public at all times.
- A mobile food establishment is not required to obtain a written permission for use of the property if they will not be on that property for more than two hours.
- F. Live animals shall be excluded from the immediate adjacent surrounding areas of all mobile food establishments.
- G. If toilet facilities are not provided on a mobile food establishment, a toilet facility must be located within 300 feet. However, this provision does not apply to restricted mobile food units that do not engage in any food preparation.. Upon application for a permit hereunder, a mobile food establishment operator must provide PHS with written permission by the owner of the toilet facility for use of restrooms by the permit holder. The written permission must remain on the mobile food establishment at all times. A mobile food establishment may not operate when the facility providing the toilet facilities is not open for business. Restroom facilities must be located within a business establishment and must include a flush-type toilet and hand lavatory supplied with hot and cold running water under pressure. Toilet facilities must meet all requirements of the Texas Food Establishment Rules. If the toilet facilities are Port-a-cans or similar facilities, the permit will not be approved. If there is a relocation of the mobile food establishment written permission to use an approved toilet facility must be acquired and presented to the PHS.
- H. A mobile food establishment is not required to obtain a written permission for use of a restroom if they will not be on that property for more than two hours.
- I. A mobile food unit must demonstrate mobility at any reasonable time, if requested by PHS or a peace officer.

J. A certified Trained Manager certificate must be present at the mobile food establishment during all hours of operation.

K. Only single service (plastic or paper) utensils, tableware, plates, etc. shall be provided for customers.

L. FRESH WATER AND WASTE WATER SYSTEMS

(1) All mobile food establishments must have potable (drinking) water and the storage of any potable water must be according to law. Fresh water must come from a source approved by PHS.

(2) All mobile food establishments must have hot and cold running water under pressure. Hot water at a temperature of at least 100°F shall be provided to all fixtures at all times while the unit is in operation.

(3) The water inlet shall be capped when not being used to fill a water tank.

(4) Wastewater must be disposed at a PHS approved servicing area.

(5) Wastewater shall be stored in a permanently installed retention tank that is sized at least 15% larger in capacity than the water supply tank and is sloped to drain. The drain pipe must be at least 25 millimeters (1 inch) in inner diameter or greater and equipped with a shut-off valve.

(6) A roadside vendor that sells only prepackaged food is exempt from these rules pertaining to water and wastewater.

M. CLEANING

(1) All mobile food establishments where food and/or drink preparation is conducted on the unit must return to a PHS approved commissary or servicing area in the 24 hours preceding each day of operation for cleaning, disposal of waste water and other services.

(2) Documentation or a receipt showing that the mobile food establishment has been serviced in the 24 hours proceeding each day of operation must be kept on the unit and made available to PHS upon request.

N. SERVICING AREAS (COMMISSARIES)

(1) Food - All mobile food establishments must report to a permitted commissary or other permitted, fixed food establishment for food supplies. The commissary or other fixed food service establishment, used as a base of operations for mobile

food establishments, shall be constructed and operated in compliance with the Texas Food Establishment Rules.

- (2) Cleaning, water, waste water - All mobile food establishments must report to an approved commissary for cleaning within 24 hours of each day of operation. A list of approved commissaries is available upon demand.

X. FEES

The following fees are to be paid in connection with applications submitted pursuant to these Rules for the issuance or renewal of a permit.

Food Establishment Permit Fees	
Permanent Food Establishment Category A *	\$300
Permanent Food Establishment Category B **	\$225
Permanent Food Establishment Category C ***	\$135
Permanent Food Establishment Category D ****	\$110
Farmers' Market Vendor *****	\$125
Mobile Food Unit	\$300
Roadside Food Vendor	\$135
Educational Institutions/Schools	\$250
Temporary Food Establishment Category A, B, C, or D [14 Days]	
For timely application	\$80
For untimely application or on-site issuance	\$160
New Facility Inspection Fee	\$125
New Facility Re-Inspection Fee	\$50
Duplicate or Replacement Permit	\$40
Late Fee	\$50
Trained Food Manager Class	\$60
Food Handler Class	\$20

Temporary Event (14 days) Category A, B, C, or D:

- Separate businesses occupying the same booth must purchase individual permits.

* Category A: any place where raw, potentially hazardous food is processed or prepared.

** Category B: any place where food preparation involves only reheating and/or serving of potentially hazardous food or the processing of non-potentially hazardous food or precooked potentially hazardous food.

*** Category C: any place where only non-potentially hazardous foods and/or prepackaged potentially hazardous foods are served or sold. No food processing is involved.

**** Category D: any place, permanent or seasonal, serving or offering for sale crushed or shaved ice made in conjunction with a sugar and water-based syrup that is essentially a non potentially hazardous food.

***** Farmer's Market Vendor – one who operates a food establishment at a location, which has been identified for use by farmers and producers primarily for the distribution and sale of food products by farmers or other producers.

- A business or individual who operates more than one booth at an event must designate the specific location of each booth at the event and must purchase a separate permit for each booth location.
- The business may operate only in conjunction with a single event or celebration.

Farmers' Market Vendor

- Separate businesses occupying the same booth must purchase and maintain individual vendor permits.
- A business or individual who operates more than one booth must purchase and maintain a separate vendor permit for each booth location.
- The business may operate only in conjunction with a location identified for use by farmers and producers primarily for the distribution and sale of raw and custom shelled agricultural products and products made by farmers and producers from their agricultural products directly to consumers.
- A Farmers Market Vendor Permit is only valid at a Farmer's Market that is fifty one percent or more Farmers Market Vendors.

XI. ENFORCEMENT

The provisions of these Rules shall be enforced by the Executive Director of PHS (the "Executive Director") or the Executive Director's authorized representative. It shall be a violation of these Rules for any person in a food establishment to deny access to the Executive Director or the Executive Director's authorized representatives in the performance of the Executive Director's duties.

PHS employees who are not police officers but who have been trained to enforce the health and safety laws relating to food, water, waste control, general sanitation, or vector control are authorized pursuant to Sections 121.031 and 121.032 of the Texas Health and Safety Code, by Order of Harris County Commissioners Court of February 24, 1998, and by these Rules to issue citations for violations occurring in the unincorporated areas of Harris County, including areas in the extraterritorial jurisdiction of a municipality. Such citations must state the name of the person cited, the violation charged, and the time and place the person is required to appear in court.

XII. SEVERABILITY

If any section, subsection, clause, phrase, or portion of these Rules is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these Rules.